

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on September 03, 2009, which may be different from its entry on the record.

IT IS SO ORDERED.



Dated: September 03, 2009


Arthur I. Harris
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:

CARLOS CUBERO
JULISSA CUBERO

DEBTORS

CASE NO. 09-12630

CHAPTER 13

JUDGE ARTHUR I. HARRIS

**AGREED ORDER FOR RELIEF
FROM STAY**

(Real Property located at 2119 East 40th
Street, Lorain, OH 44055)

This matter came to be considered on the Motion for Relief from Stay (the “Motion”) filed by U.S. Bank, N.A., (“Movant”), and Debtor’s Response to Motion.

Movant has alleged that good cause exists for granting the Motion and that Debtor(s), counsel for Debtor(s), the Chapter 13 Trustee, and all other necessary parties were served with this Motion and with notice of the hearing date for this Motion; and

The parties have entered into an agreement resolving the Motion.

IT IS THEREFORE ORDERED:

- 1. The Debtor shall pay to Movant the post-petition arrearage due April 2009 through August 2009, a sum of \$6,719.90 which consists of April 2009 through August 2009 payments in the amount of \$1,181.71 each and late charges of \$47.27 each, plus Attorney fees of \$425.00 and costs of \$150.00. To be paid as follows: \$6,144.90 over a period of six months, \$1,024.15 in addition to normal monthly payments of \$1,181.71, for a total of \$2,205.86 per month, commencing September 1, 2009 and ending February 1, 2010. Debtor shall resume regular monthly payments with the March 1, 2010 payment. Movant is granted leave to file its Supplemental Claim for Attorney fees and Court Costs in the amount of \$575.00.** Debtor shall maintain regular monthly post-petition payments to Movant outside the Chapter 13 Plan upon completion of payments under this Agreed Order. Failure by the Debtor to make any payment within 30 days of the due date under this Agreed Order, or after completion thereof, shall constitute a default.
- 2. Upon the existence of a default, Movant's counsel shall send Debtor and counsel for Debtor a 10-day notice of Movant's intent to file an affidavit and proposed order granting relief from stay.**
- 3. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Movant attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by Section 362(a) of the Bankruptcy Code with respect to Movant, its successors and assigns.**

###

SUBMITTED BY:

/s/ Erin M. Laurito

Erin M. Laurito (0075531)
LAURITO & LAURITO, L.L.C.
35 Commercial Way
Springboro, Ohio 45066
937-743-4878
Attorney for Movant
jsummers@lauritolaw.com

/s/ Aaron T. Kimbrell

Aaron T. Kimbrell (0080406)
Attorney for Debtor
614 W. Superior Avenue
Suite 950
Cleveland, OH 44113
216-263-6200

SERVICE LIST

Carlos E. Cubero, debtor
2119 East 40th Street
Lorain, OH 44055
(served via US Mail)

Julissa J. Cubero, debtor
2119 East 40th Street
Lorain, OH 44055
(served via US Mail)

Aaron T. Kimbrell
Attorney for Debtor
614 W. Superior Ave.
#950
Cleveland, OH 44113
(served via ECF Noticing)

Craig H. Shopneck
Chapter 13 Trustee
BP Tower
200 Public Square, Suite 3860
Cleveland, OH 44114
(served via ECF Noticing)

Office of the U. S. Trustee
Howard Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114
(served via ECF Noticing)

Continued on next page

Erin M. Laurito
Jeffrey V. Laurito
Attorney for Movant
35 Commercial Way
Springboro, Ohio 45066
(served via ECF Noticing)